

**Notice of Allowability**

Application No.

10/603,534

Examiner

David Q. Nguyen

Applicant(s)

BRONSTEIN, ALEXANDRE

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 10/01/07.
2. ☒ The allowed claim(s) is/are 1-2,4-9,21-23 and 25-31(renumbered as 1-18, respectively).
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |  |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application                                |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____ |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date <u>09/30/03</u> | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                              |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material                   | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance             |
|  | 9. <input type="checkbox"/> Other _____  |

## DETAILED ACTION

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.
2. Authorization for this examiner's amendment was given in a telephone interview with Attorney Paul H. Horstmann (Reg. 36,167) on Nov. 07, 2007.
3. The application has been amended as follows:
  - Claims 3 and 24 have been cancelled.
  - Claims 1,21 and 26 have been amended as follows:
    - Claim 1 (Currently Amended): A method for defense against an unwanted communication, comprising:
      - identifying a communication channel to a beneficiary of the unwanted communication by examining a content of the unwanted communication wherein the beneficiary is not a sender of the unwanted communication;
      - maintaining a set of information pertaining to the beneficiary and determining a set of strike back parameters in response to the information;
      - striking back repeatedly against the beneficiary by sending a communication via the communication channel to the beneficiary in accordance with the strike back parameters.

***Allowable Subject Matter***

4. Claims 1-2,4-9,21-23 and 25-31 are allowed.

Regarding independent claims 1,21 and 26, the claim has been amended to overcome the prior arts. The closest prior arts, Goodman. et al. (US 2005/0021649 A1), Jaffe (New Plan for Spammers: Charge 'Em, Wired News, 12-10-02) and Fahlman (Selling Interrupt Rights: A Way to control Unwanted e-mail and Telephone Calls, IBM Systems Journal, vol. 41, no. 4, 2002, pp. 759-766) teach a method for defense against an unwanted communication, comprising identifying a communication channel to a sender of the unwanted communication by examining a content of the unwanted communication and striking back against the sender by sending a communication via the communication channel to the sender in accordance with the strike back parameters. However, the above prior arts of record, either singularly or in combination, fail to disclose or render obvious identifying a communication channel to **a beneficiary of the unwanted communication** by examining a content of the unwanted communication, wherein the beneficiary is not a sender of the unwanted communication, as combined with other limitations.

Claims 2,4-9 depend on claim 1. Therefore, They are allowed.

Claims 22-23 and 25 depend on claim 21. Therefore, They are allowed.

Claims 27-31 depend on claim 26. Therefore, They are allowed.

***Conclusion***

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5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Q. Nguyen whose telephone number is 571-272-7844.

The examiner can normally be reached on 8:30AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JOSEPH H. FEILD can be reached on (571)272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



David Q Nguyen  
Examiner  
Art Unit 2617